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Office of the Secretary of State
March Fong Eu

1230 J Street
Sacramento, California 95814

#507

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

July 2, 1990

TO: ALL COUNTY CLERKS/REGISTRARS OF VOTERS AND
PROPONENT (90147)

FROM: Caren Daniels-Meade
CAREN DANIELS-MEADE
CHIEF, ELECTIONS DIVISION

Pursuant to Elections Code section 3520(b) you are hereby notified that the total number of signatures to the hereinafter named proposed INITIATIVE CONSTITUTIONAL AMENDMENT filed with all county elections official is less than 100 percent of the number of qualified voters required to find the petition sufficient; therefore, the petition has failed.

TITLE: REAPPORTIONMENT BY: LEGISLATURE;
SUPREME COURT. JUDICIAL REVIEW.
INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY DATE: February 1, 1990

PROPONENT: Wade Bruce Lee, II

CDM/bl/cb





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Sacramento, California 95814

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#507

February 1, 1990

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT(90025)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT.
JUDICIAL REVIEW.
INITIATIVE CONSTITUTIONAL AMENDMENT.

Circulating and Filing Schedule

1. Minimum number of signatures required.....595,485
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date.....Thursday, 02/01/90
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures.....Thursday, 02/01/90
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each
county.....Monday, 07/02/90*+
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State.....Tuesday, 07/10/90

(If the Proponent files the petition with the county on a date prior to 7/02/90, the county has five working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

* Date adjusted for official deadline which falls on Sunday. Elec. C., Sec. 60.

+ NOTE TO PROPONENTS WHO WISH TO QUALIFY FOR THE NOVEMBER 6, 1990 GENERAL ELECTION: The law allows approximately 107 days for county election officials to check and report petition signatures and transmit results. The law also requires that this process be completed 131 days before the election in which the people will vote on the initiative. It is possible that the county may not need precisely 107 days. However, if you want to be sure that this initiative qualifies for the November 6, 1990 General Election, you should file this petition with the county before March 23, 1990.



REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW.
INITIATIVE CONSTITUTIONAL AMENDMENT.

February 1, 1990

Page 2

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties
.....Thursday, 07/19/90**
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State
.....Thursday, 08/09/90
- (If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 7/10/90, the last day is no later than the fifteenth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 655,033 or less than 565,711, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 565,711 and 655,033 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures
.....Sunday, 08/19/90**
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State
.....Tuesday, 10/02/90
- (If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 8/09/90, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient
.....Saturday, 10/06/90

**Date varies based on receipt of county certification.

4. The Proponent of the above-named measure is:

Wade Bruce Lee, II
1250 Eastern Avenue
Sacramento, California 95864

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; Bilofsky v. Deukmejian (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,


CAREN DANIELS-MEADE
Chief, Elections Division

Attachment: POLITICAL REFORM ACT OF 1974 REQUIREMENTS

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555

February 1, 1990

(916) 324-5508

FILED
In the office of the Secretary of State
of the State of California

FEB 1 1990

MARCH FONG EU, Secretary of State

By

[Signature]
Deputy

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814

Dear Mrs. Eu:

Initiative Title and Summary

Subject: REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT.
JUDICIAL REVIEW. INITIATIVE CONSTITUTIONAL AMENDMENT.

Our File No.: SA 89 RF 0046

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, the original declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

Mary Whitcomb
MARY WHITCOMB
Initiative Coordinator

MW:rz

Enclosures

Date: February 1, 1990
File No.: SA 89 RF 0046

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT. JUDICIAL REVIEW. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends state Constitution to require reapportionment plans for Assembly, Senatorial, Congressional, and Board of Equalization districts be adopted by 2/3 vote of each house of Legislature and approved by Governor (unless overridden). Sets forth mandatory plan contents and requirements. Requires plans to be public. Requires State Supreme Court, upon petition of any eligible voter, review plan adopted by Legislature for compliance. If plan found in violation of law, or not enacted, empowers Supreme Court to consider other reapportionment plans and mandate enactment. Provides up to \$3.5 million for "Redistricting Fund." Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Appropriates \$3.5 million in 1990-91 from Legislature's contingency or operating funds to implement measure. Limits future decennial appropriations to such amount plus adjustments for increases in Consumer Price Index and for previously unexpended funds.

SA89RF0046

December 11, 1989

The Honorable John Van de Kamp
Attorney General
Attn: Governmental Law Division
1515 K Street, Sixth Floor
Sacramento, CA 95814

RECEIVED
DEC 11 1989

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Dear Mr. Van de Kamp:

This is to request that a title and summary of the following initiative constitutional amendment be prepared and sent to the Secretary of State:

Proposed Title: The Fair Redistricting Initiative

Proposed Summary: This measure provides for fair and effective representation of all citizens of the State without any net increase in the appropriation or expenditure of public monies. This measure restricts the California Legislature's power over reapportionment of electoral districts and subjects this power to judicial review under the exclusive and original jurisdiction of the Supreme Court of California. Prohibits enactment of any reapportionment plan that gives preferential treatment to any political party or any incumbent member of the State Senate, Assembly, Board of Equalization or the United States House of Representatives. Establishes objective criteria and priorities for specifying the boundaries of electoral districts for the State Senate, Assembly, and Board of Equalization and the United States House of Representatives. Requires that reapportionment plans be enacted for the 1992 elections and within a specified period following each decennial census thereafter. Provides timely opportunity for the Supreme Court of California to review reapportionment plans adopted by the Legislature. Enhances public participation by permitting any eligible voter or group of eligible voters to challenge the Legislature's plans and in specified circumstances to propose the enactment of better reapportionment plans by timely petition to the Supreme Court of California. Gives the Supreme Court of California the original and exclusive jurisdiction to mandate the enactment of reapportionment plans in any case where the Legislature, or the People acting by initiative or referendum measure, are unable in a timely fashion to enact reapportionment plans as required by law; or in any case where the Court is petitioned to select which of the alternative reapportionment plans before it best satisfies the criteria and priorities set forth in this measure. Retains all referendum and initiative powers in the People. Repeals Article XXI of the California Constitution as adopted June 3, 1980. Repeals current reapportionment plans enacted by the Legislature upon enactment of reapportionment plans required by this measure.

Mr. John Van de Kamp
December 11, 1989

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Copies of the text and any future correspondence should also be mailed directly to me, as the proponent.

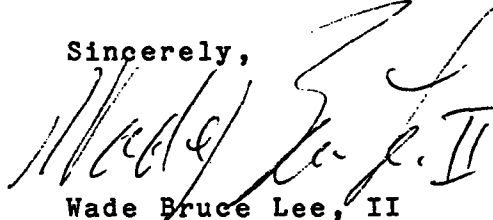
This is a resubmission with minor changes of a previous initiative under my signature of last June which you have already reviewed. The few changes have been highlighted in a "red-lined" version, which is included along with a "clean" copy, to expedite your review. New wording which has been included to make sure that this initiative would not increase the taxpayers cost for redistricting has also been previously reviewed and approved by your office.

Your expedited review of this initiative would be greatly appreciated since time is of the essence and since you have previously reviewed this initiative. If I can be of any assistance, please do not hesitate to contact me.

Enclosed is a check in the amount of \$200.00 payable to the Department of Justice. I understand the funds will be deposited in the Treasury's trust fund, and will be refunded if the initiative qualifies within two years of the deposit.

Thank you for your service and assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wade Bruce Lee, II". The signature is fluid and cursive, with a large, sweeping "W" and "L".

Wade Bruce Lee, II
1250 Eastern Avenue
Sacramento, CA 95864

w/enclosure

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Final and Summary Version (as of November 8, 1989)

**A PROPOSAL FOR FAIR ELECTORAL
REAPPORTIONMENT OF CALIFORNIA**

REAPPORTIONMENT OF SENATORIAL, ASSEMBLY, CONGRESSIONAL AND BOARD OF EQUALIZATION
ELECTORAL DISTRICTS BY THE CALIFORNIA LEGISLATURE OR SUPREME COURT. A
CONSTITUTIONAL AND STATUTORY AMENDMENT INITIATIVE.

**A SUMMARY OF CHIEF PURPOSE AND
AND POINTS OF PROPOSED MEASURE**

This measure provides for fair and effective representation of all citizens of the State without any net increase in the appropriation or expenditure of public monies. This measure restricts the California Legislature's power over reapportionment of electoral districts and subjects this power to judicial review under the exclusive and original jurisdiction of the Supreme Court of California. Prohibits enactment of any reapportionment plan that gives preferential treatment to any political party or any incumbent member of the State Senate, Assembly, Board of Equalization or the United States House of Representatives. Establishes objective criteria and priorities for specifying the boundaries of electoral districts for the State Senate, Assembly, and Board of Equalization and the United States House of Representatives. Requires that reapportionment plans be enacted for the 1992 elections and within a specified period following each decennial census thereafter. Provides timely opportunity for the Supreme Court of California to review reapportionment plans adopted by the Legislature. Enhances public participation by permitting any eligible voter or group of eligible voters to challenge the Legislature's plans and in specified circumstances to propose the enactment of better reapportionment plans by timely petition to the Supreme Court of California. Gives the Supreme Court of California the original and exclusive jurisdiction to mandate the enactment of reapportionment plans in any case where the Legislature, or the People acting by initiative or referendum measure, are unable in a timely fashion to enact reapportionment plans as required by law; or in any case where the Court is petitioned to select which of the alternative reapportionment plans before it best satisfies the criteria and priorities set forth in this measure. Retains all referendum and initiative powers in the People. Repeals Article XXI of the California Constitution as adopted June 3, 1980. Repeals current reapportionment plans enacted by the Legislature upon enactment of reapportionment plans required by this measure.

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THE FAIR REDISTRICTING INITIATIVE
 BY CALIFORNIANS FOR RESPONSIBLE REPRESENTATION

An Initiative Measure to be Submitted Directly to the Voters.

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

[Here set forth the title and summary prepared by the Attorney General. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.]

TO THE HONORABLE SECRETARY OF STATE OF CALIFORNIA:

We, the undersigned, registered, qualified voters of California, residents of _____ County (or City and County) hereby propose amendments to the California Constitution and Elections Code relating to the decennial redrawing of boundaries of electoral districts for the United States House of Representatives, and for the California Senate, Assembly and Board of Equalization; and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed constitutional and statutory amendments read as follows:

THE FAIR REDISTRICTING INITIATIVE

SECTION 1. - Findings and Declarations. The People of the State of California do find and declare as follows:

(a) The law requires boundaries of electoral districts for the State Senate, Assembly and Board of Equalization and the United States House of Representatives to be adjusted to account for changes in the population of Californians as reported in the national census taken and published by the federal government at the beginning of each decade.

(b) The adjustment of these boundaries - in a process known as reapportionment or redistricting - must provide for fair and effective representation for all citizens of California. Such fairness is essential for the preservation of a truly representative form of government accountable to all the people. Without such fairness, the public participation and confidence in government needed for democracy and freedom cannot flourish.

(c) For each type of electoral district, a redistricting or reapportionment plan must be designed to maintain identifiable communities of interest, promote competition for elective office, and facilitate individual and group political activity.

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(d) No redistricting or reapportionment plan shall give preferential treatment to any political party or any incumbent member of the State Senate, Assembly, Board of Equalization or the United States House of Representatives.

(e) The People of the State of California disapprove and seek to prevent the unfair practice of any political party in majority control of the State Legislature abusing its power and the will of the People by redrawing electoral district boundary lines and advancing or delaying elections in said redrawn districts for the sole purpose of benefiting itself and incumbent members of the Legislature to the detriment of the electorate, and other political parties and candidates for the State Senate, Assembly, Board of Equalization or the United States House of Representatives.

(f) To assure the achievement of the foregoing objectives and the prevention of these abuses without any additional state bureaucracy or public expense, it is necessary for the People of the State of California to establish strict objective criteria and priorities for establishing the electoral boundaries of each type of district which must be followed in a timely fashion by the Legislature, Governor and, as necessary, the California Supreme Court.

(g) To assure maximum openness, public participation and accountability, it is also necessary that any voter or group of voters have all of the following:

(1) a fair opportunity to examine and object to any redistricting or reapportionment plan before it becomes law;

(2) the right to submit redistricting or reapportionment plans for enactment into law that better conform to the strict objective criteria established for all redistricting or reapportionment plans by the People of the State of California in cases where the Legislature has failed to enact redistricting or reapportionment plans which comply with this Article; and

(3) the right by initiative or referendum to expressly approve or disapprove any redistricting or reapportionment plan enacted by the Legislature or the California Supreme Court.

SECTION 2. Section 1 of Article IV of the California Constitution is amended to read:

SECTION 1. Except as provided in Article XXI, the legislative power of this State is vested in the California Legislature, which consists of the State Senate and Assembly, but the people reserve to themselves the powers of initiative and referendum.

SECTION 3. Section 6 of Article IV of the California Constitution is amended to read:

SECTION 6. For the purpose of electing members of the Legislature, the State shall be divided into 40 State Senate districts and 80 Assembly districts. Each Senatorial district shall choose one Senator and each

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Assembly district shall choose one member of the Assembly, as specified in the redistricting plan adopted under Article XXI. The State Senate districts shall be numbered 1 to 40, inclusive, and the Assembly districts shall be numbered 1 to 80, inclusive.

SECTION 4. - That Article XXI of the California Constitution, as adopted June 3, 1980, is repealed.

SECTION 5 - Article XXI is added to the California Constitution to read:

ARTICLE XXI.

REAPPORTIONMENT OF STATE SENATE, ASSEMBLY, BOARD OF
EQUALIZATION, AND UNITED STATES HOUSE OF REPRESENTATIVES
DISTRICTS

SECTION 1. Except as provided in this Article, the sole and exclusive authority to adjust the boundaries of electoral districts for the State Senate, Assembly, and Board of Equalization and the United States House of Representatives is vested in the Legislature. Upon petition pursuant to this Article, the California Supreme Court shall have and exercise the original and exclusive jurisdiction to review any redistricting or reapportionment plan adopted by the Legislature and signed by the Governor, or any other redistricting or reapportionment plan properly before it as provided in this Article, and to select and mandate the enactment of that plan which complies with the provisions of this Article, using only the criteria and priorities specified in this Article. In the event the Legislature fails to adopt, or the Governor fails to sign, a redistricting or reapportionment plan which complies with this Article, or any redistricting or reapportionment plan required by this Article is adjudicated unconstitutional or violative of federal law, or a redistricting or reapportionment plan is stayed by referendum or disapproved by initiative and not timely replaced by initiative or referendum of the People, the California Supreme Court shall, within the time specified in this Article, timely adopt and mandate the enactment of redistricting or reapportionment plans in strict compliance with this Article.

SECTION 2. In the year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Legislature shall adjust the boundary lines of the State Senate, Assembly, Board of Equalization, and United States House of Representatives electoral districts in strict compliance with the criteria set forth in Section 4 of this Article.

SECTION 3.

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(a) The Legislature shall adopt a redistricting plan for the State Senate, Assembly and Board of Equalization and a reapportionment plan for the United States House of Representatives.

(b) A two-thirds vote in both Houses of the Legislature shall be required to adopt any redistricting or reapportionment plan.

SECTION 4.

(a) Each redistricting or reapportionment plan shall provide fair and effective representation for all People of the State, including racial, ethnic and language minorities, and for political parties.

(b) Each redistricting or reapportionment plan shall be designed to maintain identifiable communities of interest, promote competition for elective office, and facilitate individual and group political activity. No plan shall be designed to give preferential treatment to any political party or any incumbent member of the State Senate, Assembly, Board of Equalization or the United States House of Representatives.

(c) Each State Senate District shall be composed of two adjacent Assembly districts and each Board of Equalization district shall be composed of ten adjacent State Senate districts.

(d) Districts shall be single member.

(e) State Assembly, Board of Equalization and United States House of Representatives districts shall be numbered consecutively from North to South.

(f) There shall be an equal number of even and odd-numbered State Senate districts. The twenty State Senate districts with the greatest percentage of population from currently even-numbered districts shall be given even numbers. The remaining State Senate districts shall be given odd numbers. To the maximum feasible extent and without loss of compliance with the other provisions of this Article, there shall not be a lapse of representation for a district because of State Senate district renumbering.

(g) Each reapportionment or redistricting plan shall provide for population equality, or nearly so, in accordance with all of the following:

(1) No State Senate, Assembly or Board of Equalization district shall vary from the ideal district population for each such district by more than one (1) percent.

(2) Each United States House of Representatives district shall have populations which are as nearly equal as possible in compliance with the Constitution and laws of the United States.

(3) The average state-wide deviation from the ideal district population shall not exceed 0.5 percent for State Senate, Assembly or Board of Equalization districts.

(4) For the purposes of this subsection (g), the term

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"ideal district population" for each type of district shall be defined to mean the total state population as stated in the decennial census divided by the number of districts in each type of electoral district provided in this Article, or by the laws of the United States governing the number of United States House of Representatives districts.

(h) Each redistricting or reapportionment plan shall provide for contiguity and regional integrity, in accordance with all of the following:

(1) The portion of any district within a county shall be contiguous within that county.

(2) Districts may not overlap the county boundaries between the following counties: Del Norte and Siskiyou, Humboldt and Siskiyou, Humboldt and Trinity, Mendocino and Trinity, Mendocino and Tehama, Mendocino and Glenn, Lake and Glenn, San Mateo and Santa Cruz, Santa Clara and Santa Cruz, Santa Clara and Stanislaus, Santa Clara and Merced, Monterey and Fresno, Monterey and Kings, San Luis Obispo and Kern, San Luis Obispo and Kings, Santa Barbara and Kern, Ventura and Kern.

(i) Each redistricting or reapportionment plan shall provide for geographic integrity of counties, in accordance with all of the following:

(1) A district may contain any number of whole counties, but may not contain part of more than three counties. No district which contains a whole county may include part of more than two counties.

(2) No county shall contain part of more than three districts. No more than three counties in the State may contain parts of three districts. No county below the ideal district population for a given type of district, as defined in subsection (g)(4) above, may contain part of more than two districts of the same type.

(3) No two counties may share more than one district of a given type.

(4) When a county below 250,000 in population is divided between districts, the portion of that county with the smaller population is a county fragment. For each type of district, the statewide aggregate population for county fragments shall not exceed 100,000.

(5) A district fragment is a portion of a county which contains less than half the population of that district. For each type of district, no county may contain district fragments with a combined population in excess of the ideal district population for that type of district.

(j) Each redistricting or reapportionment plan shall provide for geographic integrity of cities, in accordance with all of the following:

(1) When a city smaller than 250,000 is divided between or among districts, the portion of that city separated from its largest segment is a city fragment.

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(2) For each redistricting or reapportionment plan, the aggregate population of city fragments shall not exceed 2,000 multiplied by the number of districts of that type.

(k) Each redistricting or reapportionment plan shall provide a fair opportunity for each ethnic, language and racial minority population to elect the candidates of their choice in accordance with the Constitution and laws of the United States, in accordance with all of the following:

(1) Each minority population shall be defined in accordance with federal law, including without limitation The Federal Voting Rights Act, using the individuals totals for the Hispanic, Black, Asian, American Indian and other minority populations as reported in the most recent decennial census.

(2) A minority population area shall consist of geographical sub-areas each of which meet all of the following criteria:

(A) are contiguous within any county; and

(B) at least fifty (50) percent of the population of which is a separate minority population as defined in Section 4(k)(1), above; and

(C) meet one of the following requirements:

total (i) it is an incorporated city of a population smaller than 250,000; or

within (ii) it is a United States census tract a city of a population of 250,000 or more; or

with (iii) it is a United States census tract less than fifty (50) percent of its total population within any incorporated city boundary.

(3) Any minority population in any electoral district of any type in any minority population area as defined in Section 4(k)(2) of this Article shall not be diluted to less than thirty-one (31) percent of the ideal population for each type of electoral district.

(4) In any electoral district of any type in any minority population area as defined in Section 4(k)(2) of this Article, the composite totals of all minority populations as defined in Section 4(k)(1) of this Article shall not be concentrated to exceed eighty-four (84) percent of the ideal population for each particular type of electoral district.

(5) Except as provided in Section 4(k)(6) of this Article, no minority population in any minority population area, as defined in Section

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4(k)(1) and (k)(2), respectively, may be divided between electoral districts of any type.

(6) If any particular minority population within a minority population area, as defined in Section 4(k)(2) above, is divided between districts of any type, the amount of population thus split shall reduce the allowable amount of city fragmentation, as set forth in Section 4(j)(2) of this Article, by the same amount.

(1) **Each redistricting or reapportionment plan shall provide for compactness of districts**, in accordance with all of the following:

(1) The compactness ratio is defined as the ratio between the land area of a district and the land area of a square with the same perimeter (aggregate boundary length) for each district.

(2) The average compactness ratio for each type of district shall be at least 1 to 2.

(3) For purposes of measuring compliance with compactness requirements, coastal boundaries shall follow the general contours of the coast without detours on account of narrow protrusions and inlets or boundary extensions to include islands.

(m) **Each redistricting or reapportionment plan shall maintain the integrity of census tracts**, in accordance with all of the following:

(1) For all types of districts, the combined total population of the smaller portion or portions of United States census tracts split between districts of that type (other than along city boundaries) shall not exceed 50,000.

(2) No more than one United States census tract may be divided between any two districts.

SECTION 5. The Legislature shall disseminate and make publicly available, in hard copy and computer-readable format, any data base or other information submitted or developed for its use in establishing any redistricting or reapportionment plan. Such information shall be made available for public inspection at least sixty (60) days before any redistricting or reapportionment plan may be adopted by the Legislature. Duplicate copies shall be made available at duplicating cost to any requesting person or organization within ten (10) days of receipt of a written request for such information.

SECTION 6.

(a) Any redistricting or reapportionment plan required by this Article shall consist of each of the following items:

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(1) a complete set of detailed maps plainly showing the designated district number, population and boundaries of each electoral district for each type of district included in that plan;

(2) a complete and specific listing of each population unit in each electoral district for each type of district included in that plan, identified and categorized by the identifying number or description of the census tracts, block groups, enumeration districts, or portions thereof, and;

(3) a certification that the plan strictly complies with each of the provisions of Section 4 of this Article.

(b) Any redistricting or reapportionment plan required by this Article must be made available to the public in the form specified in Section 6(a) above for at least thirty (30) days prior to its final adoption by the Legislature and final enactment by the California Supreme Court. If any changes which affect district boundaries are made after a plan is made available to the public, the 30-day period starts again from the date of the most recent change. For purposes of this section, "made available to the public" by the Legislature shall be defined to mean the introduction of the bill setting forth the legislation containing the plan; and, in the case of the California Supreme Court, shall mean the filing of the plan in the California Supreme Court for review by that Court.

(c) The Legislature may not adopt and the California Supreme Court shall not review any redistricting or reapportionment plan required by this Article unless it consists of all of the items specified in Section 6(a) of this Article.

SECTION 7.

(a) The California Supreme Court shall have original and exclusive jurisdiction to review, disapprove or approve any redistricting or reapportionment plan adopted pursuant to this Article, and to mandate the enactment of redistricting or reapportionment plans as provided in this section.

(b) Any redistricting or reapportionment plan adopted by the Legislature shall become enacted and effective thirty (30) days after being signed by the Governor, or thirty (30) days after either being adopted by a vote of the Legislature overriding the Governor's veto or being duly adopted without the Governor's signature as provided in Article 4, Section 10(a) of the California Constitution, unless within this thirty (30) day period a petition for judicial review of the plan is filed in the California Supreme Court by a person then eligible to vote in the State of California or an association of such persons. The filing of a petition for judicial review shall stay the enactment of the plan subject to review by the California Supreme Court pursuant to this section.

(c) Any person eligible to vote in this State, or any association of such persons, by timely petition for judicial review, may initiate or intervene in any proceedings before the California Supreme Court pursuant to this Section for the purposes of challenging the constitutionality of any plan adopted as specified in Section 7(b) of this Article. At the same time, such

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a petitioner may submit a redistricting and a reapportionment plan or plans in compliance with Section 6(a) of this Article which the petitioner states best conforms to the provisions set forth in Section 4 of this Article; provided that no such petitioner shall be permitted to submit more than one reapportionment plan for United States House of Representatives districts or more than one plan for State Senate, Assembly and Board of Equalization districts. Such petition shall be filed, and any such redistricting or reapportionment plan or plans shall be submitted to the California Supreme Court within thirty (30) days of the date any redistricting or reapportionment plan required by this Article is adopted pursuant to Section 7(b) of this Article ; or, in the absence of such an occurrence, by no later than November 1 of the year in which the decennial census is first published.

(d) The Supreme Court of California shall mandate the enactment of the redistricting or reapportionment plan or plans required by this Article in strict compliance with the provisions of Sections 4 and 6 of this Article within sixty (60) days of the occurrence of any of the following events:

(1) Any redistricting or reapportionment plan required by this Article is not adopted as specified in Section 7(b) of this Article by October 1 of the year when the decennial census is first published, or 120 days after publication of the decennial census, whichever is earlier;

(2) Any redistricting or reapportionment plan enacted pursuant to this Article is stayed by referendum or disapproved by initiative, but not replaced, by initiative or referendum of the People.

(3) Any redistricting or reapportionment plan is adjudicated by a court of competent jurisdiction to violate the Constitution or laws of the United States.

(4) Judicial review of one or more redistricting or reapportionment plans adopted pursuant to Section 7(b) of this Article or the enactment of an alternative redistricting or reapportionment plan or plans is timely sought pursuant to this Section.

(e) On or about the date on which the decennial census is first published, the California Supreme Court shall issue a public notice and provide a reasonable opportunity for public comment on its proposed procedures for its receipt and evaluation of redistricting or reapportionment plans in accordance with the provisions of this Article. These procedures shall specify the means by which the Court will deem any redistricting or reapportionment plan to comply with the formal prerequisites for its review of any redistricting or reapportionment plan as specified in Section 6 of this Article. The California Supreme Court shall publish and make these procedures publicly available by no later than July 1 of the year in which the decennial census is first published.

(f) The California Supreme Court shall not review or adopt any redistricting or reapportionment plan which does not strictly comply with each of the provisions set forth in Sections 4 and 6 of this Article.

(g) The California Supreme Court shall approve and mandate the enactment of any redistricting or reapportionment plan timely adopted as specified in Section 7(b) of this Article which the Court finds strictly complies with each of the provisions of Sections 4 and 6 of this Article.

(h) In the event that the California Supreme Court disapproves of the enactment of any redistricting or reapportionment plan on the grounds that the plan fails to comply strictly with one or more of the provisions set forth in Sections 4 and 6 of this Article, the Court shall mandate the enactment of the redistricting or reapportionment plan or plans required by this Article within the time period specified in Section 7(d) of this Article.

(i) In the event a redistricting or reapportionment plan or plans required by this Article is not timely adopted as specified in Section 7(b) of this Article, or the California Supreme Court disapproves a redistricting or reapportionment plan or plans on the grounds of non-compliance with one or more provisions of Sections 4 and 6 of this Article, the Court shall mandate the enactment of any other redistricting or reapportionment plan or plans required by this Article which has been timely submitted to it pursuant to Section 7(c) of this Article and which strictly complies with Sections 4 and 6 of this Article.

(j) In the event of the occurrences specified in Section 7(i) of this Article, and more than one State Senate, Assembly and Board of Equalization redistricting plan or United States House of Representatives reapportionment plan otherwise satisfying the provisions of Sections 4 and 6 of this Article is timely submitted for its review pursuant to Section 7(c) of this Article, the California Supreme Court within the time period specified in Section 7(d) of this Article shall select and mandate the enactment of the best of these plans using the following priorities, which shall have absolute precedence in the order listed:

(1) The plan which best provides a fair opportunity for ethnic, language and racial minority populations to elect the candidates of their choice in accordance with the Constitution and laws of the United States as required by Section 4(k) of this Article;

(2) The plan which contains the largest number of districts consisting of groups of whole counties and districts entirely within a single county;

(3) The plan where the aggregate population of city fragments, as defined in Section 4(j) of this Article, is ten (10) percent less than any alternative plan before the California Supreme Court; and

(4) The plan with the shortest aggregate length of district boundaries for Assembly and United States House of Representatives districts added together.

SECTION 8.

(a) Any redistricting or reapportionment plan shall be effective for the first State primary election following its final enactment pursuant to this Article. If that enactment date is later than February 1 of the year of a State

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primary election, the plan shall take effect for the next Statewide primary or special election.

(b) Any redistricting or reapportionment plan enacted pursuant to this Article shall have the full effect of a statute. The date the plan was enacted pursuant to this Article shall be deemed to be the enactment date of the statute. The plan shall be published in the Statutes of California.

(c) A redistricting or reapportionment plan enacted pursuant to this Article shall not be subject to repeal or amendment by the Legislature. Any statute adopted by the Legislature establishing electoral district boundaries already established by a plan enacted pursuant to this Article shall be void.

(d) Any redistricting or reapportionment plan enacted pursuant to this Article is subject at any time to initiative or referendum by the People under the same requirements and procedures applicable to statutes.

SECTION 9.

(a) It is the intention of the People of the State of California that the cost of implementing this Article shall not increase the cost of state and local government. The Legislature and the Supreme Court of California shall implement the provisions of this Article without any net increase in the amount of public monies appropriated to fund the regular and normal operations of the California Legislature and the Supreme Court of California over the amount of such monies appropriated for such purposes in the fiscal year immediately prior to the fiscal year the decennial census is first published.

(b) In fiscal year 1990-91, the Legislature shall, however, appropriate not in excess of Three and One-Half Million Dollars (\$3,500,000) from its existing contingency or operating funds for a Redistricting Fund (the "Fund") to be used by both the Legislature and the Supreme Court of California to implement this Article. Each decennial fiscal year after the fiscal year 1990-91, the Legislature shall transfer such amount to a like fund:

(1) adjusted in accordance with the Consumer Price Index for the State of California as reported by the Division of Labor Standards or its successor agency; and,

(2) subject to the same conditions hereinafter set forth. No other public moneys shall be appropriated, authorized, or expended for redistricting.

(c) Moneys from the Fund identified in subparagraph (b) above shall be:

1) appropriated, authorized, or expended exclusively for costs directly attributable to the implementation of this Article; and,

(2) initially appropriated for equal expenditure by the Legislature and the Supreme Court of California; provided, however, that such Court shall be authorized to use any funds appropriated for, but not expended by, the Legislature prior to the Court's review of any redistricting plan pursuant to

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Section 7 hereof. Moneys not expended from a Redistricting Fund prior to the conclusion of all proceedings of the Court and the final implementation of a redistricting plan pursuant to this Article shall revert to the Legislature's contingency or operating fund from which they were appropriated.

SECTION 10. If any part of this Article or the application to any person or circumstance is held to be invalid for any reason, or is impossible to fully comply with on the basis of the relevant census data, such invalidity or impossibility shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.

SECTION 11. Legal actions for enforcement of the provisions of any redistricting or reapportionment plan enacted pursuant to this Article may be filed in any California court of general jurisdiction by any person then eligible to vote in the State of California or any association of such persons. The use of any redistricting or reapportionment plan contrary to the provisions of this Article shall constitute the deprivation of political rights in violation of due process of law.

SECTION 12. Division 18 of the Elections Code (commencing with Section 30000) is repealed, with the exceptions of Sections 30011 [current Assembly districts], 30022 [current State Senate districts], 30040 through 30044, inclusive, [current Board of Equalization districts], and 30032 [current United States House of Representatives districts] which sections shall remain effective until, and be repealed upon the enactment date of the reapportionment plans required by Article XXI of the California Constitution, as added by this measure.

JOHN K. VAN DE KAMP
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. BOX 944255
SACRAMENTO 94244-2550
(916) 445-9555

February 1, 1990

(916) 324-5508

Wade Bruce Lee, II
1250 Eastern Avenue
Sacramento, CA 95864

Dear Mr. Lee:

Initiative Title and Summary

Subject: REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT.
JUDICIAL REVIEW. INITIATIVE CONSTITUTIONAL AMENDMENT.
Our File No. SA 89 RF 0046

Pursuant to your request, we have prepared the attached title and summary of the chief purposes and points of the above-identified proposed initiative. A copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our declaration of mailing, and the text of your proposal that was considered is attached.

The Secretary of State will be sending you shortly a copy of the circulating and filing schedule for your proposal that will be issued by that office.

Please send us a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file in this matter.

Very truly yours,

JOHN K. VAN DE KAMP
Attorney General

A handwritten signature in cursive script, reading "Mary Whitcomb", is written over the typed name.

MARY WHITCOMB
Initiative Coordinator

MW:rz

Enclosures

DECLARATION OF MAILING

The undersigned Declarant states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponent named below at the address indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: February 1, 1990

Subject: REAPPORTIONMENT BY: LEGISLATURE; SUPREME COURT.
JUDICIAL REVIEW. INITIATIVE CONSTITUTIONAL AMENDMENT.


Our File No.: SA 89 RF 0046

Name of Proponent and Address:

Wade Bruce Lee, II
1250 Eastern Avenue
Sacramento, CA 95864

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on:
February 1, 1990.



R. ZENDER
Declarant

#507 & #508 Cathy Mitchell

NEWS RELEASE

from: Secretary of State March Fong Eu
1230 J Street, Sacramento, CA 95814

(916) 445-6375

For Immediate Release
February 2, 1990

Contact: Melissa Warren

TWO MORE REAPPORTIONMENT MEASURES IN CIRCULATION, REPORTS EU

SACRAMENTO — Two more initiative measures relating to reapportionment, the tenth and eleventh of the 1990 election cycle, have been certified to begin circulating for signatures, Secretary of State March Fong Eu announced today (Feb. 2).

Wade Bruce Lee, II, telephone (916) 852-1204, is heading the drive to qualify "Reapportionment by: Legislature; Supreme Court. Judicial Review," and initiative constitutional amendment for the ballot. He must submit 595,485 signatures of registered voters to county elections officials by Jul. 2, the legal 150-day deadline. However, all proponents wishing to place measures on the Nov. 6, 1990 general election ballot are encouraged to submit signatures by Mar. 23, in order to allow sufficient time for the full signature verification process, if necessary, before the June 28 measure qualification deadline.

If adopted, the measure would amend the state Constitution to require that reapportionment plans for legislative, Congressional and Board of Equalization districts, as specified, be adopted by a 2/3 vote of each house of the Legislature and approved by the governor. Upon the petition of any eligible voter, the state Supreme Court would be required to review the plan adopted by the Legislature for compliance with mandatory requirements. If the Legislature failed to enact plans or if the plans enacted were found to be in violation of the law, the Court would be empowered to consider other reapportionment plans and mandate enactment.

(over)

"Reapportionment: Legislature; Supreme Court. Judicial Review" is also an initiative constitutional amendment. Its proponent, Richard Noble of Los Angeles, must collect 595,485 registered voter signatures on the same schedule.

This measure, too, would require reapportionment plans for legislative, Congressional and Board of Equalization districts be adopted by a 2/3 vote and approved by the governor. It would also provide that the state Supreme Court review plans and mandate enactment of other plans if those enacted were found to violate mandatory requirements or if the Legislature failed to act. In addition, the measure would provide up to \$3.5 million for a "Redistricting Fund."

Proponent Noble can be reached at (213) 485-0231.

These initiatives join two other reapportionment measures now in circulation; two others have qualified to appear on the June 5 primary election ballot, Props. 118 and 119. The remaining six measures failed to qualify for the ballot.

With the addition of these two measures there are now 30 initiatives in circulation.

Copies of the circulation calendars and titles and summaries are attached. The full texts of the measures can be obtained from the secretary of state's elections division, 1230 J St., Sacramento, CA 95814, (916) 445-0820.

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